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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C., 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**Request for Declaratory Ruling  
Regarding Demarcation Point at  
Washington Dulles International Airport**

**File No.**

CC 95-149

**To:** Chief, Enforcement Division,  
Common Carrier Bureau

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***MOTION FOR EXPEDITED CONSIDERATION***

Simultaneously with this motion, the Metropolitan Washington Airports Authority (the "Authority") is submitting a request for declaratory ruling asking the Commission to resolve a dispute between the Authority and GTE South, Incorporated ("GTE") concerning the application of subsection 68.3(b)(2) of the Commission's rules to the determination of the demarcation point at Washington Dulles International Airport ("Dulles"). For the reasons outlined below, the Authority respectfully, but strenuously, requests that the Commission act upon this matter with utmost dispatch.

As the request for declaratory ruling discloses, this dispute has arisen in the context of the Authority's efforts to upgrade the telecommunications infrastructure at Dulles International Airport through the installation of a creative and innovative STS system, with private sector participation. Efforts to resolve the question of a demarcation point through negotiations have continued for more than 2½ years. In order to expedite the implementation of STS service, it was the Authority's original plan to purchase GTE's plant on the Airport's side of the demarcation point, and to upgrade and replace the acquired facilities once the STS system is in operation. That plan was made

impossible when, in April of this year, GTE reversed its position, elected not to sell the plant and repudiated the earlier understanding with respect to the establishment of a demarcation point. In view of GTE's abrupt change of position, the Authority has instructed Harris to proceed with construction of what essentially is a parallel, but much more modern and state of the art, infrastructure. This will enable STS service to finally commence in January of 1996, if the matter of the demarcation point issue is resolved. The Authority should not be asked to experience further delay in the implementation of STS service at Dulles at the hands of GTE which was, it may be noted, was an unsuccessful bidder in the RFP process.

The need for expeditious resolution of this matter is made more acute because of its relationship to the major construction project that is ongoing at the airport. As has been widely reported in the press and as users of the airport are well aware, Dulles is undergoing a substantial expansion. Construction work on the expansion of the main terminal is already in progress. The Authority and its contractors and consulting engineers are very quickly approaching the point at which final decisions with respect to the location of telecommunications infrastructure--telephone closets, frames, etc.--in the expanded main building must be made. It is expected that actual installation of telephone closets and frames in the expanded part of the main terminal will occur shortly after the first of the year. It is highly desirable, if not imperative, that the demarcation dispute be resolved, well in advance of that date.

Although this dispute implicates the integrity of the Commission's rules and policies with respect to STS and premise wiring, the dispute itself is fact specific, having consequences only with respect to Dulles Airport. There are only two interested parties,

GTE and the Authority. GTE is surely familiar with the contours of dispute and the Authority's position. Indeed, GTE was advised on several occasions that, absent an amicable resolution of the matter, the Authority would seek a declaratory ruling. Thus, there is no need for the Commission put this matter on public notice, inviting comments at large. Similarly, it is neither necessary or appropriate for the Commission to treat this ruling as an informal complaint under Section 208 of the Act. The delay that the Authority has experienced as the result of GTE's position on this matter has certainly caused the Authority and its contractor time and money. However, our utmost concern, at this point, is resolution of this matter so that the STS system can be implemented and our expansion and construction program at Dulles can go forward, unimpeded and promptly. In light of the 2½ years of negotiations over this matter, a referral to the carrier under Section 1.717 of the Commission's rules on an unspecified time schedule would serve only to impede the Authority's ability to meet its operational imperatives.

For these reasons the Authority asks that the Commission, immediately upon receipt of these pleadings, issue a directive to GTE instructing it that the pleading cycle with respect to this matter is to be governed by Section 1.45 of the Commission's rules. We are prepared to meet (jointly with GTE) with the Commission's staff to resolve any factual questions that may arise. However, we urge the Commission to issue a written

determination in this matter as promptly as possible after the pleading cycle has been completed.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Ian D. Volner", written over a horizontal line.

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